UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCE

Ex parte QUENTIN J. CLARK, LARA N. DILLINGHAM, JUSTIN GRANT, BOYD C. MULTERER, ORI M. AMIGA, KENT S. SCHLIITER, ROGER W. SPRAGUE, ALEXANDER M. SUTTON

and DANIEL T. TRAVISON

MAILED

JAN 3 0 2006

Application 09/606,383

PAT. & T.M OFFICE BOARD OF PATENT APPEALS AND INTERFERENCES

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences (BPAI) on January 06, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing are identified below.

On August 2, 2001, appellants filed an Information

Disclosure Statement (IDS). It is not clear from the record

whether the examiner considered the IDS or whether the examiner

notified appellants of why their submission did not meet the

criteria set forth in 37 CFR §§ 1.97 and 1.98.

Application No. 09/606,383

Furthermore, the Examiner's Answer of April 6, 2005, does not comply with the headings as set forth in the new rules under 37 CFR § 41.37(c). Correction is required.

Accordingly, it is ORDERED that the application is return to the Examiner to:

- 1) consider the Information Disclosure Statements filed August 2, 2001;
- 2) provide appropriate written notification by the examiner to appellants of such consideration;
- 3) to have a copy of the consideration of the Information Disclosure Statement scanned into the record;

Application 09/606,383

- 4) to submit a revised Examiner's Answer in compliance with the new rules effective September 13, 2004; and
- 5) for such further action as may be appropriate.

BOARD OF PATENT APPEALS AND INTERFERENCE

CRAIG R. FEINBERG

Program and Resource Administrator (571)272-9797

CRF/pgc

cc: Amin & Turocy, LLP 24th Floor, National City Center 1900 East Ninth Street Cleveland, OH 44114